90-1541

Supreme Court, U.S.
FILED
APR 16 1991
OFFICE OF THE CLERK

No.

IN THE
SUPREME COURT
OF THE
UNITED STATES

OCTOBER TERM, 1990

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

SUPPLEMENTAL APPENDIX

KENNETH O. EIKENBERRY
Attorney General
State of Washington

CHARLES F. SECREST
Assistant Attorney General
Counsel of Record

DEBORAH L. CADE
Assistant Attorney General
Hwys-Licenses Bldg. PB-52
Olympia, Washington 98504
(206) 753-6126
Counsel for Petitioner
Washington State

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[SWER-FRL 2421-1]

Amendment to National Oil and Hazardous Substance Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Contingency Plan ("NCP"), which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. This amendment supplements the NCP with the National Priorities List ("NPL"), which will become Appendix B of the NCP. CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, and contaminants throughout the United States, and that the list be revised at least annually. The NPL constitutes this list.

DATES: The promulgation date for this amendment to the NCP shall be September 8, 1983. . . .

. . .

PART 300-[AMENDED]

Part 300, Title 40 of the Code of Federal Regulations is hereby amended by adding a new Appendix B, to read as follows:

Appendix B - National Priorities List

. . .

Group 5

EPA REG	ST	SITE NAME	CITY/COUNTY	RESPONSE STATUS	
. . .					
10	WA	COM. BAY, NEAR SHORE/ TIDE FLAT	PIERCE COUNTY	R	E
. . .					

E = FEDERAL AND STATE ENFORCEMENT;
R = FEDERAL AND STATE RESPONSE.

Respectfully submitted this 12th day of April, 1991.

KENNETH O. EIKENBERRY
Attorney General

CHARLES F. SECREST
Assistant Attorney General
Counsel of Record

DEBORAH L. CADE
Assistant Attorney General
Attorney for Washington State
Department of Transportation
Hwys-Licenses Bldg. PB-52
Olympia, Washington 98504
(206) 753-6126